

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NCR CORPORATION,)
)
Plaintiff,)
)
v.) C.A. No. 11-481-NLH-AMD
)
BB 2009 TRUST,)
)
Defendant.)

**BB 2009 TRUST'S MOTION TO DISMISS THE COMPLAINT FOR
FAILURE TO JOIN A NECESSARY AND INDISPENSIBLE PARTY**

BB 2009 Trust, by and through its undersigned counsel, moves to dismiss the Complaint of NCR Corporation in the above-referenced action pursuant to Rules 12(b)(7) and 19 of the Federal Rules of Civil Procedure for failure to join Blockbuster Inc., a necessary and indispensable party.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

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Attorneys for BB 2009 Trust

June 21, 2011
4338342

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2011, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

Melanie K. Sharp
Erika R. Caesar
Young, Conaway, Stargatt & Taylor LLP

I further certify that I caused copies of the foregoing document to be served on June 21, 2011, upon the following in the manner indicated:

Melanie K. Sharp
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VIA ELECTRONIC MAIL

/s/ Rodger D. Smith II

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